

**PLANNING COMMISSION MINUTES OF FEBRUARY 13, 2006**

**2005-1228 – Jack May** [Applicant / Owner]: Application for a Use Permit on a 3.3-acre site to allow a modified plan for an approved self-storage use including increased floor area for a total of 135,554 square feet and 3-story buildings within the center of the site. The property is located at **1165 East Arques Avenue** (near Lawrence Expwy.) in an M-S (industrial & Service) Zoning District. (Negative Declaration) (APN: 205-24-013) RK

**Ryan Kuchenig**, Assistant Planner, presented the staff report. He said staff recommends additional conditions to enhance the elevations of the buildings facing neighboring properties. He said staff is able to make the findings and recommends approval of the Use Permit subject to the Conditions of Approval (COAs).

**Comm. Klein** asked about the contamination that occurred in the demolition work and what the remediation process is. Mr. Kuchenig said there was ongoing clean-up of the site by Advanced Micro Devices (AMD) and when the site was demolished in June of 2005, a transformer containing Tetrachloroethane (PCE) spilled at the site. The cleanup is being overseen by the Regional Quality Control Board and is scheduled to be completed in April 2006. AMD will then complete any remaining clean-up within the next 60 days. Comm. Klein noted that no hazardous substances are allowed on site and asked if propane and gasoline are considered hazardous substances. Mr. Kuchenig said these substances are not allowed in the storage buildings. **Trudi Ryan**, Planning Officer, clarified that the Use Permit allows Recreational Vehicles (RVs) with these substances to be stored at the site, but the substances are not allowed inside the storage units.

**Chair Hungerford** confirmed with staff that a manager would reside on-site and asked if there are any issues with having a on-site manager with the surrounding land uses. Ms. Ryan said that the proposed on-site manager would be one household in a two-bedroom residence, which is a common arrangement and appropriate for this type of use.

**Chair Hungerford opened the public hearing.**

**Jack May**, applicant with TWC Storage, LLC, thanked staff for the ongoing assistance. He said in regards to the contamination, TWC Storage purchased the site from AMD which has a long history of toxics on the site, all located underneath the foundation, to be removed when the foundation was removed. The site had been vacant for so long that AMD had a transformer on the site that they did not know about. TWC Storage was told the site was clear and when the demolition began two tanks were discovered. One of the tanks was damaged during demolition resulting in a PCE spill. Mr. May further discussed the

methods being used for cleaning up the site and said there has been no known risk to the daycare or neighboring areas. He said the site should be cleaned within two to three months with an additional two to three months for AMD to do the final cleanup. Mr. May said that TWC Storage is working with many environmental agencies to assure the proper cleanup and no construction will begin until all agencies have approval sign-offs. Mr. May addressed Comm. Klein's question about the storage of hazardous substances, confirming that no hazardous substances will be allowed inside the units. He said RVs can park with fuel in the tank, but contaminants cannot be stored in the storage units. Mr. May added that generally on-site managers are couples who provide security, handiwork and bookkeeping. He commented that, due to delays, the project costs have increased and the consultants are now recommending the addition of the third floor. The additional floor should not impact neighbors. He added that project cost increases have caused art budget increases resulting in plans to do some fun things with the facades subject to final art approval by staff.

**Adam Brand**, a parent of students at the adjacent daycare, thanked staff for helping provide more information about the project. He would like to see the project completed, but wanted to provide another perspective on the toxic and noise concerns. Mr. Brand said the Negative Declaration states that there are no toxics on-site. He said that he thinks there has been an under-representation of the risk of the project. He said things have improved, but it would be more accurate to state what chemicals remain on-site and what has been removed and he would like to see an appropriate report published that shows the status of all chemicals that were onsite including the Polynuclear Aromatic Hydrocarbons (PNAs). He stated that his job as a parent is to make sure his children are safe, but currently he does not have adequate information to know that his children have safe exposure. He also requested that the noise levels be spelled out and a construction schedule posted.

**Kecia Barnes**, a parent of a student at the adjacent daycare, expressed her concern about adequate security screening for the employees that will be living onsite since they are located next to the daycare.

**Mr. May** addressed Mr. Brand's concerns about adequate notification of parents at the adjacent school of activities on the proposed site. Mr. May said that the City notified the owners of the school property, but the owners did not notify all of the parents. The City received calls from concerned parents prior to demolition resulting in TWC Storage organizing a meeting with the parents. Following the meeting, TWC Storage sent out regular e-mails to keep parents informed and to make sure concerns were being met and continues to try to keep interested parties informed by e-mails. He said that TWC Storage is making every effort to deal with the neighbors' concerns in an open, fair and complete manner. He commented that he is sure there was noise from the demolition, but efforts were made to help minimize disruption. Mr. May suggested that for future similar projects, i.e. schools and daycares near sites, that the City should consider a

secondary level of notification to make sure parents are informed. He also said TWC Storage has hired additional consultants to address the parents' concerns regarding the safety of their children including air testing. Mr. May addressed Ms. Barnes concern about the type of screening that would be used in hiring the on-site manager. He said if the City has any special requirements for employees working within a certain distance of a daycare then they would comply, but that the on-site manager screening would not be any different than the same screening that they would use for all of their employees.

**Chair Hungerford** asked Mr. May about the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) overseeing the remediation work to clean up the site. Mr. May commented that there are three groups overseeing the work, including consultants, with the SFBRWQCB being the main contact agency. Mr. May and Chair Hungerford discussed that the SFBRWQCB does community outreach and have contact people on staff if the public had further questions. Mr. May said he does not know the history of this former AMD site, or the history of the school site, but it might have mitigated parent concerns to have had more information and transparency about the safety of the sites.

**Chair Hungerford closed the public hearing.**

**Comm. Klein made a motion for Alternative 1 to adopt the Negative Declaration and approve the Use Permit with attached conditions. Comm. Babcock seconded.**

**Comm. Klein** said he was able to make the findings. He said when the Planning Commission originally looked at the site that there were some issues with the school next door, but that the applicant has worked hard to alleviate the school's issues. He said ultimately this site is moving forward and the conceptual view looks good.

**Comm. Babcock** said this is a nice enhancement to the site and she looks forward to seeing the applicant's interpretation of the public art requirement hoping it will be a good example for others to follow.

**Comm. Simons offered a Friendly Amendment to modify COA 7.A.3. to include the language "large species, native trees as appropriate for site."** Comm. Klein asked staff if the accurate number of trees being replaced could be included. Ms. Ryan said the Planning Commission could direct that the number of trees be clarified. **Comm. Klein accepted the Friendly Amendment and further modified COA 7.A.3. to include the number of trees to be replaced as the site has been demolished. The seconder of the motion accepted the Friendly Amendment of Comm. Simons and the additional modification from the maker of the motion.**

**Chair Hungerford** offered a Friendly Amendment requiring the applicant provide advance notice of any major construction activities to the adjacent daycare center. Comm. Klein asked staff if it is necessary to provide this notification or is the noticing generally left to the developer and staff determine what is appropriate. Ms. Ryan said that on major projects it can be appropriate to require notification as directed by Planning Commission or City Council. The Friendly Amendment was acceptable to maker or the motion, but the seconder was hesitant to accept the Friendly Amendment and said she would rather require a construction schedule be posted. Ms. Ryan said she thinks the Planning Commission input is important on this and that it is important to put the requirements in the COAs. Comm. Klein asked if the developer has construction scheduled at an “inappropriate time”, does the school work with staff to change the schedule. Ms. Ryan said the construction schedule is not subject to the approval of the neighbors. After discussion, the maker retracted his approval of Chair Hungerford’s Friendly Amendment and denied it stating he would like to leave the scheduling and continued notification of the school up to staff and the developer. Staff and Commissioners further discussed the direction regarding notification. **Chair Hungerford offered a Friendly Amendment to add COA 1.H. requiring that the developer post a construction schedule to let the daycare center know about major activities that could impact the daycare center. The Friendly Amendment was acceptable to maker and seconder.**

**Final Action:**

**Comm. Klein made a motion on 2005-1228 to adopt the Negative Declaration and approve the Use Permit with modified conditions; to modify Condition of Approval (COA) 7.A.3. to include the language “large species, native trees as appropriate for site.” and to include the number of trees to be replaced as the site has been demolished. ; and to add COA 1.H. requiring that the developer post a construction schedule to let the daycare center know about major activities that could impact the daycare center. Comm. Babcock seconded.**

**Motion carried unanimously, 6-0.**

**This item is appealable to the City Council no later than February 28, 2006.**